

Page 2790

1 A. Yes.
2 Q. And how do you know Ben and Ruth?
3 A. Ben and Ruth attend my church. Ben is one of my teens
4 in my youth group, and Ruth is one of my youth volunteers.
5 Q. And how do you know John Freshwater?
6 A. Through FCA and then also working with him in the Will
7 Graham celebration.
8 Q. Have you ever spoken at an FCA meeting here in the Mount
9 Vernon city school system?
10 A. Yes.
11 Q. And have you done that both at the middle school and the
12 high school?
13 A. Yes.
14 Q. Now, when you spoke at the middle school FCA meetings,
15 what date do you remember speaking?
16 A. It was March 18th, 2008. It was every -- usually, every
17 third Tuesday. It was pretty regular.
18 Q. And you say pretty regular. Is that during the
19 2007-2008 school year?
20 A. Yes.
21 Q. So during the 2007-2008 school year, you spoke pretty
22 regularly. Had you been speaking at FCA meetings for a
23 number of years?
24 A. Yes.
25 Q. How many years do you think roughly?

Page 2791

1 A. Probably four.
2 Q. And during the 2007-2008 school year -- you mentioned
3 March 18th. We'll come to that here in a few moments -- but
4 you remember speaking pretty regularly once a month?
5 A. Pretty regularly, yes.
6 Q. Now, when you spoke at the high school, how many times
7 do you think you spoke at the high school during the calendar
8 year 2007-2008?
9 A. Probably three or four times.
10 Q. Now, you say three or four times total or three or four
11 times per semester?
12 A. Probably per semester.
13 Q. Okay. So maybe a total of six to eight times total
14 throughout the year?
15 A. Yeah.
16 Q. And when you spoke at the middle school, Pastor, who
17 contacted you to come speak there?
18 A. Ben Nielson usually called or another student.
19 Q. Now, you had told me previously -- and I want to make
20 sure I understand this -- Ben Nielson called you most of the
21 time during the calendar year 2007-2008. Correct?
22 A. Correct.
23 Q. The previous year, do you remember who called you the
24 previous year?
25 A. No.

Page 2792

1 Q. Do you remember if it was a boy or a girl?
2 A. A girl.
3 Q. Okay. Other than Ben Nielson, do you remember the names
4 of any other students who contacted you to come speak at the
5 FCA?
6 A. No.
7 Q. Did John Freshwater ever call you to confirm your
8 appointment or attendance there at the FCA?
9 A. Yes.
10 Q. You stated earlier that you knew John through FCA and
11 through the Will Graham celebration. Do you socialize with
12 John Freshwater otherwise?
13 A. No.
14 Q. Do you attend some of the same church functions or
15 anything like that?
16 A. We've been to community events.
17 Q. Okay. And when you talk about the Will Graham
18 celebration, tell me your understanding of what that was.
19 A. It was an evangelistic service provided through the
20 Billy Graham Association held on Kenyon campus, and we worked
21 on a student committee together.
22 Q. Now, when you worked together on that, did you typically
23 meet outside of school?
24 A. Yes.
25 Q. Now, when you were at the middle school for the FCA

Page 2793

1 meetings, how did those meetings begin?
2 A. The teachers would start to dismiss the kids from
3 lunch. They would come into the band room. I would talk to
4 the teenagers that were coming in. And about -- when there
5 was about five, seven minutes left in the lunchtime, I would
6 just kind of settle them down; and then I would share a
7 devotional, pray, and we would leave.
8 Q. When the kids were leaving the lunchtime, sir, how did
9 you know when to begin the meeting?
10 A. Usually, it was about ten till to give me about ten
11 minutes before the lunch period would end, so there was
12 certain times that I would begin.
13 Q. Now, did you get any signals from any teachers? Hey,
14 you've got to begin now?
15 A. No.
16 Q. In your affidavit at Item No. 4, you state that "At the
17 middle school I would wait until" a "majority of kids
18 arrived ..."
19 A. Yes.
20 Q. That indicates that -- roughly how many kids were
21 usually attending these meetings?
22 A. About 10 to 25 students.
23 Q. And so you yourself made the decision as to when to
24 begin the meeting?
25 A. Yes.

Page 2794

1 Q. Who would you characterize as leading the meetings?
 2 A. Me.
 3 Q. So the meetings progressed. You would call the meeting
 4 or you would have a five-minute lesson or devotional. Then
 5 you would have some sort of prayer, and then you would
 6 dismiss them?
 7 A. Yes.
 8 Q. How many students attended the FCA meetings at the Mount
 9 Vernon city middle school prior to permission slips being
 10 required?
 11 A. Anywhere probably between I'd say 25 and 50; that there
 12 would be a good number.
 13 Q. Okay. Fifty would be a good number, as in a good, high
 14 number for attendance?
 15 A. Yeah, a high number.
 16 Q. Okay. I just want to make sure I clarify. You're not
 17 saying that 50 people or 50 students attended each meeting.
 18 Correct?
 19 A. Correct.
 20 Q. After permission slips were required, what kind of
 21 student participation did you have in numbers after?
 22 A. There was a large drop-off. We would have probably 10
 23 to 20 students maybe.
 24 Q. Now, what was your sense of who was the focus at these
 25 meetings?

Page 2795

1 A. Probably me.
 2 Q. Now, contrast, if you would, how the high school
 3 meetings were conducted.
 4 A. High school meetings start in the morning on Fridays,
 5 and a student-led worship team would sing two or three
 6 songs. Then the students would introduce the speaker, and
 7 the speaker would speak for 15 to 20 minutes and then have
 8 prayer and leave.
 9 Q. Now, are you still speaking at the high school FCA
 10 meetings yet even this year?
 11 A. Yes.
 12 Q. And it's still run the same way you just described?
 13 A. Yes.
 14 Q. Did you ever speak at a Friday meeting of the FCA at the
 15 Mount Vernon city middle school?
 16 A. Yes.
 17 Q. And tell me what transpires during the Friday meeting.
 18 A. The Friday meeting is just another short devotional in
 19 the morning before school.
 20 Q. And how often did you do that, sir?
 21 A. I did it a total of twice.
 22 Q. Did you ever speak at a Monday meeting of the FCA at the
 23 Mount Vernon Middle School?
 24 A. No.
 25 Q. What did you understand the Monday meetings of the FCA

Page 2796

1 at the Mount Vernon city middle school to be?
 2 A. A student leader meeting.
 3 Q. During these meetings of the FCA at the middle school,
 4 you would bring your Bible?
 5 A. Yes.
 6 Q. And you would go over scripture with the students?
 7 A. Yes.
 8 Q. Where was John Freshwater during these meetings when
 9 they were at the middle school?
 10 A. He was in the back of the band room by a PA system.
 11 Q. And when you say "PA system," I had to stop and think
 12 about that the other day. Do you know what "PA" stands for?
 13 A. It's the broadcasting system.
 14 Q. So it's the speaker where announcements were made,
 15 things of that nature?
 16 A. Yes.
 17 Q. Okay. Would you agree that it was your impression that
 18 John Freshwater was there at the FCA meetings to oversee and
 19 make certain that the students didn't get unruly, things of
 20 that nature?
 21 MR. MILLSTONE: Objection. Leading.
 22 HEARING OFFICER: Sustained.
 23 Q. Would you agree that at these FCA meetings that you told
 24 me that it was your impression that John was there to oversee
 25 the meetings?

Page 2797

1 MR. MILLSTONE: Objection. Leading.
 2 MR. HAMILTON: Just asking him to confirm or deny,
 3 Your Honor.
 4 HEARING OFFICER: Could you read that question
 5 back, please.
 6 (Question read.)
 7 HEARING OFFICER: Objection overruled. You can
 8 answer that question.
 9 A. Yes.
 10 Q. And, in fact, that's part of what you put in your
 11 affidavit there at No. 8. Correct?
 12 A. Yes.
 13 Q. Now, was there prayer at these FCA meetings?
 14 A. Yes.
 15 Q. And would you sometimes lead the prayers?
 16 A. Yes.
 17 Q. Did the students sometimes lead the prayers?
 18 A. Yes.
 19 Q. Did the students ever make any prayer requests to you?
 20 A. Yes.
 21 Q. And without violating any kind of particular student
 22 confidentiality, things of that nature, what kind of requests
 23 did you generally get?
 24 A. Just personal prayer requests for things that they were
 25 going through, family situations, physical ...

Page 2798

1 Q. Was it pretty regularly that you would pray at these
2 meetings?

3 A. Yes.

4 Q. Now, you mentioned earlier a meeting on March 13th,
5 2008. How are you certain that you were there on that date?

6 A. I went back to my calendar and looked.

7 Q. And when you were there at that particular meeting on
8 March 18th, 2008, do you remember the Bible lesson or the
9 book from the Bible that you remember sharing with the
10 students?

11 A. Daniel and the story of the lion's den.

12 Q. And why were you sharing that with them then?

13 A. Just was going through some of my own personal things
14 and facing some lions, quote, of my own.

15 Q. And so you shared with them a little bit about that?

16 A. Yes.

17 Q. And did you share with them that you had recently been
18 to the doctor the day before?

19 A. Yes.

20 Q. And I want to make certain I understand the purpose. So
21 you were sharing that particular devotion with them for what
22 reason?

23 A. Just was felt led to do that. We were talking about
24 facing trials and temptations and just to put their trust in
25 God through whatever that they're facing; that he can see

Page 2799

1 them through; he can close the lions' mouths.

2 Q. How long do you think -- how much time do you think it
3 took from the beginning of your message to the end of your
4 message?

5 A. Probably about five minutes.

6 Q. After you finished sharing with them this particular
7 message and devotion, what happened next?

8 A. I felt led to just share my personal story of what I was
9 facing. I was very vague about my doctor's appointment, but,
10 yet, I was pretty scared, and -- but I was encouraging them
11 to trust God no matter what.

12 Q. Now, after you had shared all this information, did Ben
13 Nielson approach you?

14 A. Yes.

15 Q. How so?

16 A. He wanted to pray for me.

17 Q. Now, you say that he wanted to pray for you. How far
18 away was Ben Nielson sitting from you during the delivery of
19 your devotional message?

20 A. Two rows.

21 Q. And when you say two rows, sir, you're talking two rows
22 of chairs?

23 A. Yes.

24 Q. Now, were these chairs the kind of chairs that you had
25 to go down to the end of the row in order to come closer to

Page 2800

1 you or was Ben Nielson able to simply move through the chairs
2 and come closer to you?

3 A. Move through the chairs and come close.

4 Q. When he came closer to you, how did you -- did Ben
5 Nielson state that he wanted to pray for you?

6 A. I think so.

7 Q. Okay. You had an understanding that he wanted to pray
8 for you?

9 A. Yes.

10 Q. How did you have that understanding? Did he just start
11 praying?

12 A. No. He asked to pray.

13 Q. Um-hum. And it's my understanding that a popcorn prayer
14 was prayed. What is a popcorn prayer?

15 A. Popcorn prayer is just anybody can pray.

16 Q. And when you say "anybody can pray," does that mean
17 everybody starts talking at once?

18 A. Usually, it's one person at a time. And so when there's
19 a little lag of silence, another person will pray.

20 Q. On this particular day, you state there at No. 10 of
21 your affidavit, it looks like the ninth line down, you state,
22 "The only two prayers I can remember were Ben's and Ruth's."
23 Is that a true statement?

24 A. Yes.

25 Q. And you know Ben and Ruth from church?

Page 2801

1 A. Yes.

2 Q. You know their voices pretty well?

3 A. Yes.

4 Q. You also state there at No. 10 in the next -- eleventh
5 line down, you state, "I do not remember any other person
6 praying." Is that a true statement?

7 A. That is correct.

8 Q. First of all, did the bell ring to end the class?

9 A. I believe so.

10 Q. And what happened after the bell rang?

11 A. The kids left.

12 Q. And did you stay for a little while?

13 A. Yes.

14 Q. And what did you do after the kids had left but yet you
15 stayed?

16 A. I was talking a little bit with Ruth as we were leaving.

17 Q. You were talking to Ruth Frady?

18 A. Yes.

19 Q. Do you remember where John Freshwater was at this point?

20 A. No.

21 Q. Now, when Ben and Ruth prayed, do you remember any
22 outstretching of hands or arms by anybody?

23 A. Yes.

24 Q. What do you remember, sir?

25 A. They placed hands on me.

Page 2802

1 Q. And when you say "they," what was your -- were you in a
 2 seated position?
 3 A. No, I was standing.
 4 Q. And you're about six one? six two?
 5 A. Yes.
 6 Q. And so you're standing up. Are you facing the door, the
 7 exit door of the band room?
 8 A. Yes.
 9 Q. And do you remember anybody who was behind you at this
 10 time?
 11 A. Ruth Frady.
 12 Q. So Ruth is the only one behind you. And how many
 13 students do you think were in front of you?
 14 A. Maybe 15.
 15 Q. When the students -- at this point when the students
 16 reached out to you, were your eyes open at that moment?
 17 A. No.
 18 Q. Okay. You had already gone into the position of prayer?
 19 A. Yes.
 20 Q. Can you describe for me what your usual position of
 21 prayer is.
 22 A. I close my eyes and bow my head.
 23 Q. Is that what you did on March 18th as Ben Nielson and
 24 the other students approached you?
 25 A. Yes.

Page 2803

1 Q. You could feel some hands upon you. Do you remember how
 2 many hands you felt upon you?
 3 A. No.
 4 Q. Did you feel like you had enough hands upon your body to
 5 account for everybody in the room?
 6 A. No.
 7 Q. Did you have more than one hand upon you?
 8 A. Yes.
 9 Q. But as you sit here today, you can't say exactly how
 10 many hands?
 11 A. No.
 12 Q. Now, what was your impression as to why Ben wanted to
 13 pray for you?
 14 A. His concern for me and what I was facing.
 15 Q. And because you guys have a personal relationship?
 16 A. Yes.
 17 Q. You put in your affidavit at No. 11 that it was your
 18 sense that "Ben took great joy and privilege at the
 19 opportunity to pray for me at this time." Is that a true
 20 statement?
 21 A. Yes.
 22 Q. And do you have any different feeling as you sit here
 23 today?
 24 A. No.
 25 Q. Did Ruth Frady end the prayer?

Page 2804

1 A. Yes.
 2 Q. And when she ended the prayer, was she still behind you
 3 at this time?
 4 A. Yes.
 5 Q. And when you came out of the prayer position and raised
 6 your head, were you able to see who was in the room?
 7 A. Yes.
 8 Q. And when you opened your eyes, Ruth was behind you?
 9 A. Yes.
 10 Q. Some students were in front of you?
 11 A. Yes.
 12 Q. When the prayer was over, did the students then just
 13 start to walk away --
 14 A. Yes.
 15 Q. -- or what happened?
 16 A. The students started to walk away because the bell had
 17 rung.
 18 Q. In your affidavit at paragraph No. 11, line 12, you
 19 state, quote, John was not close to me at the point when the
 20 prayer ended, unquote. Is that a true statement?
 21 A. I think so, yes.
 22 Q. And when you opened up your eyes, did you have any sense
 23 that John Freshwater was close to you?
 24 A. No.
 25 Q. Do you recall as you sit here today exactly where he was

Page 2805

1 positioned in the room?
 2 A. No.
 3 Q. If John Freshwater would have been close to you, do you
 4 think you would remember it?
 5 A. Probably.
 6 Q. At this time, on March 18th, 2008, would you have
 7 considered yourself to have a close relationship with John
 8 Freshwater? It's okay. He's sitting here.
 9 A. I wouldn't say close.
 10 Q. You had more of an acquaintance relationship?
 11 A. Probably, yes.
 12 Q. Okay. Earlier, you stated that John would typically
 13 stand in the back of the room near the PA system the other
 14 day. Do you remember describing what else you recall John
 15 standing near?
 16 A. It was a gray cabinet, I think, that they kept music in
 17 or something like that.
 18 Q. Was that his usual position whenever you were there?
 19 A. Yes.
 20 Q. What did John do during these meetings from your
 21 recollection?
 22 A. He would observe and listen.
 23 Q. Do you recall him always being there?
 24 A. Yes.
 25 Q. Now, your affidavit at No. 11, line 15, states, quote, I

Page 2806

1 never sensed that John was trying to lead the meeting or
 2 direct the meeting. It was always my sense that when I was
 3 there I was directing the meeting. Is that true?
 4 A. Yes.
 5 Q. And when Ruth prayed for you, Ruth Frady, did you get a
 6 sense of what type of prayer she was praying for you?
 7 A. It was an encouraging prayer.
 8 Q. You and Ruth stayed and spoke after the bell. How long
 9 did you guys stay and speak after the bell had rung?
 10 A. Maybe two minutes.
 11 Q. And you told her a little bit more about your medical
 12 situation at the time?
 13 A. Yes.
 14 Q. I asked you the other day, and I have to ask you again.
 15 It's already in your affidavit, but I want to make certain
 16 I have perfect clarity. The prayer that was prayed around
 17 you, was it any sort of exorcism?
 18 A. No.
 19 Q. Because of your degree in youth ministry, do you know
 20 what an exorcism is?
 21 A. Yes.
 22 Q. Would you agree that during the prayer around you nobody
 23 called to Satan?
 24 A. No.
 25 Q. In fact, you and I discussed the other day, did we not,

Page 2807

1 that when I posed that to you, you looked at me a bit
 2 surprised? And this prayer session was not to promote any
 3 kind of -- anything related to Satan, was it?
 4 A. No.
 5 Q. First of all, did the word "Satan," did it even come up
 6 during the prayer that you recall?
 7 A. Maybe.
 8 Q. And as you sit here today, do you recall the context or
 9 your feeling at the time about how the word "Satan" may have
 10 came up?
 11 A. Not allowing Satan to use this to discourage me.
 12 Q. And when you say not allow Satan to use this to
 13 discourage you, are you referring to not letting the evil
 14 spiritual force of Satan discourage you as it relates to your
 15 medical condition?
 16 A. Correct.
 17 Q. Now, were John Freshwater and Ruth Frady the only
 18 teachers there on March 18th, 2008?
 19 A. Yes.
 20 Q. Do you know Zach Dennis, sir?
 21 A. No.
 22 Q. Are you aware of an investigative report that was made
 23 by a group called H.R. On Call?
 24 A. Aware?
 25 Q. Yes.

Page 2808

1 A. Yeah.
 2 Q. And you have become aware of that because how?
 3 A. Just newspapers, blogs.
 4 Q. Did anybody from H.R. On Call or any other type of
 5 investigative firm ever speak to you?
 6 A. Yes -- no. No.
 7 Q. You said yes first. I want to make sure that --
 8 A. No, they did not.
 9 Q. You started to say yes real quick. Did you
 10 misunderstand my question in any way?
 11 A. No.
 12 Q. Okay. So nobody has ever spoke to you in an
 13 investigative sense about this matter. Correct?
 14 A. No.
 15 Q. Did Mr. Millstone, the gentleman sitting right here at
 16 the front of this table with the glasses who just nodded at
 17 you -- you'll get to meet him in just a moment -- did he ever
 18 ask you any questions, sir?
 19 A. No.
 20 Q. The gentleman sitting next to him, Mr. Steve Short,
 21 superintendent of the Mount Vernon city school system, did he
 22 ever talk to you about this?
 23 A. No.
 24 Q. I asked you the other day if you know any of the School
 25 Board members, and I asked you if Ian Watson had ever

Page 2809

1 approached you and talked to you about this.
 2 A. No.
 3 Q. I asked you if Steve Hughes ever approached you and
 4 talked to you about this.
 5 A. No.
 6 Q. I also asked you if Jody Goetzman, a School Board
 7 member, ever approached you and talked to you about this.
 8 A. No.
 9 Q. I also asked you if a Board member with the last name of
 10 Fair, F-A-I-R, ever approached you and talked to you about
 11 this.
 12 A. No.
 13 Q. And I asked you about a person who's also on the School
 14 Board named Margie Bennett, and I asked you if she had ever
 15 spoke to you about it.
 16 A. No.
 17 Q. I want to be very careful how I pose this next question,
 18 being exceptionally respectful. I understand that Margie
 19 Bennett, a School Board member, also attends your church.
 20 Correct?
 21 A. Correct.
 22 Q. And she never asked you any questions?
 23 A. No.
 24 Q. Do you think it was odd or weird that you were never
 25 interviewed as it relates to this investigation?

Page 2810

1 A. A little.
 2 Q. And why so?
 3 A. Just because I know my name was mentioned.
 4 Q. You had told me the other day that you had read some
 5 blogs. Do you remember what you had read?
 6 A. Just at the beginning of the trial or hearing, just
 7 snippets of what was going on.
 8 Q. Did anybody ever tell you not to talk about this
 9 situation?
 10 A. No.
 11 Q. Just simply, nobody asked you. Correct?
 12 A. Correct.
 13 Q. Your affidavit, No. 15, line 6, states, quote, It just
 14 seemed to be blown out of proportion and I have been sitting
 15 here waiting to be asked. Is that a true statement?
 16 A. Yes.
 17 Q. There's two parts in there. The first one is when you
 18 say it just seemed to be blown out of proportion. What is
 19 "it"?
 20 A. The prayer session in the FCA middle school that I was a
 21 part of.
 22 Q. And you -- I'm sorry. I interrupted you.
 23 A. It seemed to be blown out of proportion.
 24 Q. You're talking specifically about the prayer session on
 25 March 18th, 2008?

Page 2811

1 A. Yes.
 2 Q. When you say you've been sitting there waiting for
 3 somebody to be asked -- or sitting there waiting to be asked
 4 any questions about it, you haven't tried to hide yourself,
 5 have you?
 6 A. No.
 7 Q. In fact, you told me that a newspaper reporter had
 8 contacted you at some point.
 9 A. Yes.
 10 Q. Did you talk to that newspaper reporter at the time?
 11 A. No.
 12 Q. Do you remember who that was?
 13 A. Not offhand.
 14 Q. Why do you think you should have been asked any
 15 questions?
 16 A. Just because it was a situation that I was involved in.
 17 Q. Have you spoken to Ben Nielson or Ruth Frady about this
 18 situation?
 19 A. Not details.
 20 Q. Okay. In fact, in your affidavit there, No. 15, you
 21 say, "I did not specifically speak with Ben or Ruth about
 22 this matter." But it's my understanding that you have prayed
 23 with each of them. Is that true?
 24 A. Yes.
 25 Q. And when you prayed with each of them, that was not

Page 2812

1 during the meeting. You prayed with Ben and Ruth since March
 2 18th, 2008. Correct?
 3 A. Yes.
 4 Q. And you prayed with them as they have approached you
 5 about this situation?
 6 A. Yes.
 7 Q. What was your sense -- without violating any
 8 confidentiality or trust that you have with either of them,
 9 what were they -- why did they want you to pray with them?
 10 A. Just for strength and encouragement, protection.
 11 Q. What was your sense about Ben Nielson's feeling about
 12 this situation?
 13 A. About the whole trial or hearing?
 14 Q. Well, just about his involvement in it.
 15 A. His involvement. He's a pretty laid-back guy, but just
 16 asked for prayer for encouragement and protection.
 17 Q. Now, when Ruth approached you to ask for prayer, what
 18 was your sense of her feeling about this matter?
 19 A. The same.
 20 Q. Okay. Now, have you, Ben Nielson, and Ruth Frady all
 21 been together at the same time and all talked about this
 22 situation?
 23 A. No.
 24 Q. Do you know Ben Nielson to be an honest individual?
 25 A. Yes.

Page 2813

1 Q. Do you know Ruth Frady to be an honest individual?
 2 A. Yes.
 3 Q. Earlier, you stated that Ben is one of the teens in your
 4 youth ministry.
 5 A. Yes.
 6 Q. And we joked about this the other day. Ruth you
 7 consider to be a big sister instead of a mom. Right?
 8 A. That is correct.
 9 Q. And, in fact, you explained to me that she chastised you
 10 about trying to call her mom. Right?
 11 A. Yes.
 12 Q. Because she thought it would be better for her to be a
 13 sister instead of a mom?
 14 A. Yes.
 15 Q. Sir, was it special to you that they prayed for you that
 16 day?
 17 A. Yes.
 18 Q. Your affidavit at No. 17 states, quote, John never asked
 19 for any prayer requests. John never directed any kid to
 20 pray. Is that a true statement?
 21 A. Yes.
 22 Q. How many meetings do you estimate that you attended at
 23 the FCA at the middle school when John Freshwater was
 24 present?
 25 A. Maybe 12.

Page 2814

1 Q. And that includes all of the years that you've been
2 going there, sir?

3 A. No.

4 Q. That includes just last year?

5 A. Probably.

6 Q. When I say last year, it's the 2007-2008 calendar year.

7 A. Yes.

8 Q. And in years prior to 2007-2008, how many meetings do
9 you think you've been to where John Freshwater was also
10 present?

11 A. Maybe 25.

12 Q. Okay. So would it be accurate to state that if you take
13 the 12 and the 25, you've been around John Freshwater at FCA
14 meetings approximately 37 times?

15 A. Probably, yes.

16 MR. HAMILTON: Give me just one second to consult
17 Mr. Freshwater.

18 THE WITNESS: Okay.

19 (Brief recess.)

20 MR. HAMILTON: Pastor, thank you for your time,
21 sir.

22 HEARING OFFICER: Attorney Millstone.

23 **CROSS-EXAMINATION**

24 **BY MR. MILLSTONE:**

25 Q. Pastor Zirkle, my name is David Millstone. I represent

Page 2815

1 the Board of Education. I'm going to ask you a few

2 questions. If you don't understand them or can't hear me,
3 I'm happy to speak up or ask them again. Just let me know.

4 A. All right.

5 Q. Thank you. You indicated you worked on the Will Graham
6 celebration with Mr. Freshwater.

7 A. Yes.

8 Q. And what was the committee that you indicated you were
9 on?

10 A. Student committee.

11 Q. What was the student committee?

12 A. It provided activities to kind of promote the Will
13 Graham celebration leading up to it, just like a battle of
14 the bands, community service events.

15 Q. Okay. So this was -- were these activities for students
16 to engage in or to attract students?

17 A. Yes.

18 Q. Which one? I'm sorry. Either or? Or was it both?

19 A. To engage and attract.

20 Q. And so part of the purpose of this committee was to get
21 students to come to the Will Graham celebration?

22 A. Yes.

23 Q. Have you ever been in Mr. Freshwater's classroom?

24 A. No.

25 Q. Now, I want to go back to the March 18th, 2008, meeting.

Page 2816

1 A. Okay.

2 Q. You indicated that Ben Nielson came up to you and asked
3 if he could pray for you.

4 A. Yes.

5 Q. I'd ask you -- you're looking at something as I speak to
6 you. Is that your affidavit?

7 A. Yes.

8 Q. Can I ask you to speak from your memory?

9 A. Okay.

10 Q. If you need to refresh yourself, let me know, and you
11 can look at it.

12 A. Okay.

13 Q. Ben Nielson asked if he could pray for you?

14 A. He was sitting and asked if he could pray.

15 Q. Do you recall whether or not Mr. Freshwater said
16 something to the effect of, Why don't we pray for him,
17 referring to you, or whether he might have said something --
18 well, let's try that.

19 A. I do not recall.

20 Q. Do you recall whether Mr. Freshwater may have said
21 something to the effect that anyone who wanted to could
22 circle around Pastor Zirkle in prayer?

23 A. I do not recall.

24 Q. Do you recall, did Mr. Freshwater end the prayer with an
25 amen?

Page 2817

1 A. No.

2 Q. No, he did not, or, no, you do not recall?

3 A. I do not recall.

4 Q. Do you recall if it was Ruth Frady who said, God keep
5 Satan from discovering Stephen? Or do you recall who it was?

6 A. Ruth may have said that, but it was discouraging, to
7 keep Satan from discouraging me.

8 Q. From discouraging, not discovering?

9 A. Right.

10 Q. And that was Ruth Frady that said that?

11 A. Yes.

12 Q. Did you witness John Freshwater hurrying students off to
13 class at the end of the prayer?

14 A. No.

15 Q. Now, you testified that the students were in front of
16 you. They did not form a circle around you?

17 A. Not that I recall.

18 Q. Is it possible they formed a circle around you?

19 A. Possible.

20 Q. Is it possible that Mr. Freshwater may have said, Do you
21 want to pray -- offer pray for Pastor Zirkle?

22 A. Possible.

23 MR. MILLSTONE: I don't have any questions. Thank
24 you.

25 HEARING OFFICER: Redirect.